

The defendant has pleaded guilty to one count of assault police. I am also dealing with his pleas of guilty to a number of summary charges. There are 3 charges of destroy property, one of common assault, 1 of breaching a police family violence order, and 1 of resisting a police officer. All charges essentially arise out of one incident on 27 January 2016. In the early hours of the morning of that day, the defendant and his partner, Ms Matthews, were at a party. At the time there was a police family violence order in place in respect of Ms Matthews. This seemed to permit some contact, but in any event, contained a condition that the defendant not threaten, harass, abuse or assault Ms Matthews. The two got into an argument in the street outside the house where the party was. Hearing the commotion, an occupant of a nearby house went to his front door and yelled out to stop. The defendant shouted that he would get him and started running towards the man. The man retreated inside his house. As he was trying to shut the door the defendant kicked the security door and shouted, in highly abusive terms, that he would kill the man. The defendant caused damage to the security door. The defendant continued to bang on the outside of the house, and then picked up a rock and threw it at a bedroom window, causing the window to break. The repair costs to the door and window amount to \$1,700. The occupant later established that a vehicle parked in the street, which belonged to a person who was staying at his house, had been damaged. The windscreen had been smashed and the rear spoiler broken by the defendant as he returned to continue the argument with Ms Matthews. He pushed her to the ground and sat on her chest. A number of police officers arrived to find the defendant and Ms Matthews still arguing. Sgt Hollingsworth approached the defendant who said that if he came near him, he, the defendant, would hit him. The officer went to use his OC spray and moved towards the defendant, at which time the defendant punched him to the face. This caused Sgt Hollingsworth to immediately fall to the ground and he blacked out for a few seconds. The defendant ran away but was chased down by another officer and told to kneel on the ground. Sgt Hollingsworth arrived to help restrain the defendant, who then began to thrash his arms and legs, before getting to his feet, attempting to break free from police, and attempting to again punch Sgt Hollingsworth. The other officer used OC spray to subdue the defendant who was then handcuffed. About two hours after the incident, a nearby resident found that the windscreen of his partner's car, which had been parked on the street near the incident, had also been smashed. When interviewed, the defendant made admissions. He said that he was angry at Ms Matthews and took it out on the resident. The defendant has been in custody since that night. Sgt Hollingsworth went to the hospital after the incident, where an x-ray revealed no fracture, but a broken blood vessel in the eye and bruising to the left cheek were confirmed. He was unfit for operational duties for two weeks after the assault. He says that he still has some tingling and twitchiness in the area, but medical advice is that this should resolve over time.

The defendant is 20 years old and has a record of court appearances starting as a youth. The youth justice records includes 8 charges of destroy or injure property, 4 of assault, 2 of assault police, 3 charges of resisting arrest, and 4 of other anti-authority offences. As an adult, that pattern of offending continued. There are convictions for damage to property, breaches of family violence orders, common assaults and resisting police. Ultimately in June 2015, on similar charges within the established pattern, the defendant was sentenced to a term of imprisonment cumulative with an earlier suspended detention order, but partly suspended. He continued to offend after his release. On 11 April 2016, on a charge of common assault, committed in October 2015 on Ms Matthews, he was sentenced to 10 weeks' imprisonment

cumulative to a period of 4 weeks which was imposed as a re-sentencing exercise in relation to the June 2015 matters. The sentence commenced on the date on which he was taken into custody on the present matters, and he has been in custody on these matters since 25 March 2016. Alcohol abuse is behind his offending. He has had no contact with his father but his mother seems supportive of him. He left after grade 9 and has had some casual labouring work, but was unemployed at the time of this incident. He has 2 young daughters aged 2 and 1 by different mothers. Ms Matthews is the mother of the younger child. I am told that the first relationship was a volatile one exacerbated by parenthood at an early age. That is now an amicable relationship. I am told that the relationship with Ms Matthews is also a volatile one, and that she is often voluntarily in his company notwithstanding the family violence order. The child of Ms Matthew's was born while the defendant was in custody and he has missed the child's first birthday, again due to being in prison. At present he is able to contact Ms Matthews through a third party. There is some motivation for him to change his ways. First, he managed to stop drinking between the end of October 2015 and the night of this incident, and has realised the social and relationship benefits for him. Second, the mothers of both children have now told him that unless he stops drinking, he will not have access to his children. There is little to be said for this incident. He had not consumed any alcohol since the end of October the year before, but thought he could cope. Ms Matthews apparently took a phone call from a former male friend of hers. The defendant became angry and lost control. This was a disgraceful incident of drunken, angry violence. It involved an incident of domestic violence and a breach of a family violence order, the victim being the mother of the defendant's child. The assault itself was at the lower end of the scale, but the defendant is a repeat offender in this respect. The incident also involved a nasty attack on a police officer who was merely trying to do his job of protecting others and their property, and it involved wanton destruction of the property of people who were otherwise uninvolved in what was going on. I take into account the pleas of guilty and that the defendant is still a young man. However, previous suspended sentences have had little effect.

Mr Johnson, clearly you know the connection between alcohol abuse and your offending. You have shown the ability to stop drinking for a time. But you will have to find the will to fully overcome your problem, or you will spend increasingly longer periods in gaol, and may not have access to your children at all when you are free. You have had some assistance in the form of a probation officer and I think you may need some structured assistance on an ongoing basis, but an updated suitability report dated 4 April 2016 indicates an unsatisfactory response to an earlier probation order and breach action is being considered. In those circumstances I will not make a further order. I take into account the period of time you have spent in prison up to the time this sentence will commence. You are convicted of all matters and sentenced to 8 months' imprisonment to commence on 25 March 2016. The victims of crime compensation levy amounts to \$170, and will have to be paid within 28 days of your release. I make compensation orders in favour of Geoffrey Dale Harmon for \$1,700, Natasha Edgerton for \$700, and Szu Hui Wu for an amount to be assessed, and I adjourn the further hearing of that application to a date to be fixed.